



भारत का राजपत्र The Gazette of India

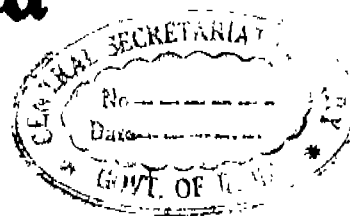
असाधारण
EXTRAORDINARY

भाग II—खण्ड 2

PART II—Section 2

प्राधिकार से प्रकाशित

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

RAJYA SABHA

The following Bills were introduced in the Rajya Sabha on the 30th August, 1996:—

BILL No. XXX OF 1996

A Bill to provide for proper care of senior citizens by their kith and kins and the Government and for protection of lonely or old couples by way of appropriate security measures by local police, other welfare measures and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

1. (1) This Act may be called the Senior Citizens (Proper care, Protection and Welfare) Act, 1996.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

Short title and
extent.

Definitions.

(b) "infirm senior citizen" means an old person who has become infirm due to old age or chronic ailment and who has no independent and adequate means of livelihood for his subsistence;

(c) "prescribed" means prescribed by rules made under this Act;

(d) "Senior citizen" means any person who has completed sixty years of age.

Duty of kith and
kins of senior
citizen.

3. (1) Notwithstanding anything contained in any other law for the time being in force, it shall be the duty of the kith and kins of a senior citizen to take care and support such citizen in his old age.

(2) The kith and kins of a senior citizen who fail to comply with the provisions contained in sub-section (1) shall forfeit their right to succeed the senior citizen in any manner after the death of such a senior citizen.

Explanation.—For the purposes of sub-sections (1) and (2) the kith and kins include sons, daughters and other heirs and successors of the senior citizen.

Subsistence
allowance to
infirm senior
citizens.

4. (1) Every infirm senior citizen shall, on an application made in the prescribed form to the appropriate Government be paid rupees five hundred per mensem as subsistence allowance by such Government in whose jurisdiction such senior citizen permanently resides.

(2) The subsistence allowance referred to in sub-section (1) shall be subject to alteration on the basis of the prevailing price index as may be determined by the Central Government.

(3) The subsistence allowance shall be disbursed to the infirm senior citizens by the appropriate Government through its treasury or any branch of a public sector banking company or post office according to the preference given by the applicant in his application.

(4) The procedure to be followed in granting and payment of subsistence allowance under this Act shall be such as may be prescribed.

Establishment
of Senior Citizen
Homes.

5. (1) The appropriate Government shall establish such number of Senior Citizen Homes at conspicuous places, as it may deem necessary for boarding and lodging of needy senior citizens in such Homes.

(2) The appropriate Government shall provide all necessary facilities of daily life in each Senior Citizens Home for the benefit of Senior Citizen residing therein.

(3) The appropriate Government shall also provide free medical aid and means of entertainment to the inhabitants of the Homes established under sub-section (1).

(4) The senior citizens lodged in Senior Citizen Homes shall not be entitled to subsistence allowance referred to in section 4 of this Act.

Protection of
senior citizens
by local police.

6. (1) Notwithstanding anything contained in any other law for the time being in force, the local police of every district headquarter shall keep a record of senior citizens residing within its jurisdiction in such manner as may be prescribed.

(2) It shall be the duty of the area Station House Officer of the local police to,—

(a) verify the character and antecedents of the domestic servant or any domestic help engaged by any senior citizen or lonely old couple residing within his jurisdiction in such manner as may be prescribed; and

(b) provide adequate security to every lonely senior citizen or lonely old couple residing within his jurisdiction.

Central Govern-
ment to provide
funds for the
purposes of the
Act.

7. The Central Government shall, after due appropriation made by Parliament in this behalf, provide adequate funds to the State Governments for carrying out the purposes of this Act.

8. The provisions of this Act and rules made thereunder shall have effect, notwithstanding anything inconsistent therewith, contained in any other law for the timebeing in force, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the timebeing applicable to senior citizens.

Overriding
effect of the
Act.

9. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty.

Power to
remove
difficulties.

10. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

A recent survey has shown that the number of senior citizens who have crossed the age of a sixty years is increasing very rapidly in our country and at the same time they are insecure as never before. Since the joint family system has become a thing of the past, the senior citizens are generally being neglected by their near and dear ones and are considered a burden and, therefore, left to fend for themselves in this greedy world. Till the time both the husband and wife are alive and healthy, they generally look after each other but once a spouse becomes lonely he/she survives alone uncared for. If the lonely senior citizen has enough wealth, he can purchase the comforts of life to some extent but if he is penniless, the situation becomes altogether different. Such senior citizens, unfortunately, live in hunger and left uncared for wishing their end to come soon. These days it is very common that the heirs and successors of the senior citizens are always ready to claim their right over the property etc. of such citizens but never come forward to look after them. Though under section 125 of the Code of Criminal Procedure, 1973, the senior citizens can claim maintenance from their sons but in most of the cases they do not opt for legal remedy due to their self respect and forced maintenance from their kith and kins. Besides they do not want to disturb the family life of their near and dear ones and opt for lonely life.

Apart from the forced lonely life, the senior citizens have become the targets and easy prey for the anti socials who not only rob them but also kill them ruthlessly. The anti social elements enter the houses of old couples in the guise of domestic servants or helpers and strike at the right opportunity. Generally these senior citizens are clubbed to death because they are unable to defend themselves.

Ours is a welfare State and, therefore, it is the sacred duty of the Governments at the Centre and the States to look after the senior citizens and provide them maximum possible security. The senior citizens must not feel neglected and for that, Senior Citizen Home must be established with basic amenities therein for the needy senior citizens. Those who do not care for their old parents should forfeit their right of succession to such senior citizens. The State has to ensure that senior citizens get all the basic things and feel comfortable at the fag end of their lives.

Hence this Bill.

SAROJ KHAPARDE.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the payment of subsistence allowance by the appropriate Government to the senior citizens. Clause 5 provides for the establishment of Senior Citizen Homes. Clause 7 provides that the Central Government shall provide necessary funds to the State Government. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees five hundred crores is likely to involve as a recurring expenditure per annum.

It is also likely to involve a sum of rupees four hundred crores as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is therefore, of normal character.

II

BILL No. XXIX OF 1996

A Bill to provide for the removal of neglect and for the equal care of girl child by her parents and for the free and compulsory education, prohibition of early marriage and for other welfare measures to be undertaken by the family of the girl child and the Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and extent.

1. (1) This Act may be called the Girl Child (Equal care, Compulsory Education and other Welfare Measures) Act, 1996.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means in the case of a State, the Government of that State and in other cases, the Central Government;

(b) “girl child” means any female human being who is below the age of eighteen years;

(c) “parent” means father, mother or any other person acting as the guardian of the girl child for the time being either under the provisions of law or under any customary obligation;

(d) “prescribed” means prescribed by rules made under this Act.

3. Parent shall not neglect the girl child in the family and shall provide equal care to the girl child in the same manner as is provided to the boy in the family.

Equal care of girl child by parents.

4. Notwithstanding any custom or anything contained in any other law for the time being in force no person shall solemnize the marriage of a girl child in any manner.

Prohibition of marriage of a girl child.

5. It shall be the duty of every parent to send the girl child of the family to a School, Institute, College or University for receiving education including higher education, vocational training, as the case may be from the normal age of schooling of such girl child.

Parent to send the girl child for education..

6. (1) Notwithstanding anything contained in any other law for the time being in force it shall be the duty of the village head and the village Panchayat to ensure that every girl child of the village who is of school going age is compulsorily sent to school by her parents for receiving education.

Village Panchayats to ensure education to girl child in rural areas.

(2) If any village Panchayat fails to discharge its duty as prescribed under subsection (1), the appropriate Government shall take such appropriate action against such village Panchayat in such manner as may be prescribed.

7. The appropriate Government shall provide to every girl child,—

Free educational facilities for the girl child.

(a) compulsory and free education upto senior secondary level and free higher education including medical and technical education;

(b) necessary study materials including books, note books, stationery and writing materials free of cost;

(c) free hostel facilities in deserving cases or wherever necessary, as the case may be;

(d) uniforms including woolens, shoes, socks etc. free of cost;

(e) scholarships to deserving girl child or girl child belonging to poor and economically weaker family or belonging to the scheduled castes, the scheduled tribes and other backward castes' family for her school education and higher education in college, university, institute including medical and technical education.

8. The appropriate Government shall provide vocational training to the girl child in the vocations such as tailoring, home science, doll making, cookery, food preservation, embroidery, painting, knitting and weaving, interior decoration, beautician, architecture, midwifery and nursing, computer science and such other vocations as may be deemed necessary by such Government from time to time.

Vocational training to girl child.

9. For the purposes of sections 7 and 8 the appropriate Government shall open such number of additional schools, colleges and other institutions as it may deem necessary from time to time.

Appropriate Government to open schools, colleges etc.

10. The appropriate Government shall provide, free of cost, nutritious meals to the girl child in schools, colleges, universities, institutes, hostels till such time and in such manner as may be prescribed.

Nutritious meals to girl child.

11. The appropriate Government shall provide free medical aid and health care regularly to every girl child throughout the country in general and the villages in particular.

Regular and free medical care for the girl child.

12. The appropriate Government shall provide proper and gainful employment to every girl child who completes her education or training in any vocation or who is in dire need of such employment in such manner as may be prescribed.

Employment opportunities to girl child.

Penalty.

13. Whoever,—

(a) contravenes the provisions of sections 3 and 5, shall be liable to fine which may extend to five thousand rupees;

(b) contravenes the provisions of section 4, shall be punishable with imprisonment which may extend to life and also with fine which may extend to fifty thousand rupees.

Offences to be cognizable and non-bailable.

14. Notwithstanding anything in the Code of Criminal Procedure, 1973, the offence under section 4 of this Act shall be cognizable and non-bailable. 2 of 1974.

Overriding effect of the Act.

15. The provisions of this Act and any rules made thereunder shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any other instrument having effect by virtue of any law other than this Act, but save as aforesaid the provisions of this Act shall be in addition to and not in derogation of any other law for the time being in force.

Power to make rules.

16. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Ours is a male dominated society. That is why when a baby boy is born in a family, the occasion is celebrated with pomp and show but if a baby girl is born, a pal of gloom descends on the family. At many places the birth of the girl is cursed which shows that the girl is the most unwanted in our society despite the fact that there will be no society without her. Due to this fact pre-birth sex determination tests are conducted and the foetus having girl child is immediately aborted. Despite a legal ban on such tests, there is no let up in conducting such tests throughout the country. Couples and their families pray, keep fast, visit religious places, *Peers* and *Fakirs* for the birth of a son but on the other hand every effort is made to ensure from all possible angles that a girl child should not come in this world.

However, despite the best efforts, if a hapless girl child is born she is always neglected by the family. A boy gets best to eat, wear and all possible comforts whereas the girl child is treated shabbily. The boy is sent to a best school but the girl is either not sent to any school at all or if sent, it is an ordinary school. From the very childhood, a girl is taught that she is a *paraya dhan* and she has to leave the house after marriage as such she must learn household chores ignoring her talent and potentials. In the urban areas, the position is changing to some extent but in the rural areas the position remains the same. Generally, a girl child is married off at a very tender age and forced to motherhood which in majority of cases results in her premature death. In fact it is the destiny of a girl child to suffer throughout her life and this is a continuous process witnessed through centuries and no one bothers for her continuous and miserable plight.

Since our democracy is wedded to the ideals of a welfare State and we have pledged though our constitution not to discriminate on the ground of sex, religion, caste or creed it is the sacred duty of the State to remove the shackles of neglect, illiteracy and atrocities on the girl child and develop her on the equal footing of the boys. Though it is a tough task due to prevailing social conditions, the Governments at the Centre and States have to take a plunge to improve the lot of the girl child. For this the foremost thing is to make her literate which can be done though compulsory and free education. She should be given vocational training and scholarships and gainful employment thereafter. The family and in rural areas the Panchayat should be made responsible to send the girl child for education. The child marriage should be made cognizable and non-bailable offence followed by deterrent punishment. Since we are celebrating the current decade as the "SAARC Decade of the Girl Child" the Governments at the Centre and States must evolve a policy for the literacy and overall welfare of the girl child and vigorously implement the policy. It will certainly improve the lot of neglected girl child in our society.

This Bill seeks to achieve the above objects.

SAROJ KHAPARDE.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides for free education facilities to the girl child. Clause 8 provides for vocational training to the girl child. Clause 9 directs the appropriate Government to open schools, colleges etc. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated to involve a sum of rupees five hundred crores per annum as recurring expenditure.

A sum of rupees one hundred crores is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 16 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

III

BILL NO. XXXI OF 1996

A Bill to provide for the humane approach of the society and of the medicos towards the hapless women of all walks of life particularly the prostitutes, call girls and other sex workers afflicted with the dreaded and incurable Acquired Immuno Deficiency Syndrome caused by HIV and for appropriate medical care of such AIDS victims and for preventive measures to be undertaken by the Central and State Governments for the spread of AIDS in the country and for matters connected therewith and incidental thereto.

BE it enacted by Parliament in the Forty-seventh year of the Republic of India as follows:—

1. (1) This Act may be called the Women Afflicted with Acquired Immuno Deficiency Syndrome (Humane Approach and Medical Care) Act, 1996.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "AIDS" means Acquired Immuno Deficiency Syndrome caused by HIV infection in a woman or any human being;

(b) "appropriate Government" means in the case of a State, the Government of that State and in all other cases, the Central Government;

(c) "call girl" means a woman prostitute who makes appointment with her prospective client by telephone either through a pimp or herself;

(d) "HIV" means Human Immuno Deficiency Virus;

(e) "HIV test" means the serological procedure followed for detection of HIV antigens or antibodies in the body of a person;

(f) "hospital" means an institution which provides medical and surgical treatment and nursing care to the ill or injured people and includes a health centre, dispensary, nursing home, clinic, whether run by an individual, body corporate, charitable institution or trust, local self Government or Central Government;

(g) "prescribed" means prescribed by rules made under this Act;

(h) terms and phrases used and not defined in this Act but defined in the Immoral Traffic (Prevention) Act, 1956 shall have the meanings respectively assigned to them in that Act.

104 of 1956.

Appropriate Government to conduct survey of AIDS afflicted women.

3. (1) The appropriate Government shall conduct a general survey within its territorial jurisdiction and a house to house survey in the known red light areas to detect women afflicted with AIDS to provide necessary medical aid and advice to the victims and prevent the spread of AIDS therefrom.

(2) For the purposes of sub-section (1), the appropriate Government may take the assistance of Non-Governmental Organisations (NGOs) in such manner and with such conditions, as may be prescribed.

Compulsory HIV test of call girls and prostitutes.

4. (1) Notwithstanding anything contained in any other law for the time being in force, where the appropriate Government has reasonable grounds to believe that call girls or prostitutes or brothels are operational in an area it shall be lawful for the appropriate Government to send a team of doctors, nurses and other medical attendants in such area to compulsorily collect the blood samples of all the inhabitants for conducting HIV test of each blood sample so collected.

(2) For carrying out the purposes specified in sub-section (1) the appropriate Government shall deploy sufficient number of Police personnel to help the health authorities as and when required in such manner as may be prescribed.

(3) Before starting the collection of blood samples in an area the representatives of the people of such area in the Parliament, State Legislature and local bodies shall be informed in writing about such collection.

(4) The appropriate Government shall prepare a list of such women who are found HIV positive from the screening of blood samples collected under sub-section (1) and make it available to the nearest blood banks or hospitals and also to the representatives of the people of that area in such manner as may be prescribed.

Medical care to the women found HIV positive.

Separate wards for women AIDS patients in hospitals.

5. Every woman found HIV positive through HIV test and suffering from AIDS shall be provided necessary medical care by the appropriate Government in such manner as may be prescribed.

6. (1) Every hospital having indoor patient facility shall earmark separate wards for the treatment of women AIDS patients therein.

(2) The appropriate Government shall provide necessary medicines, medical equipments and machines which are essential for the treatment of AIDS in every ward earmarked under sub-section (1).

Duty of hospitals to compulsorily admit women AIDS patients.

7. (1) Notwithstanding anything contained, in any other law for the time-being in force, it shall be the duty of every hospital to admit every woman who comes to such hospital for treatment of AIDS as an indoor patient and provide her the best possible treatment for the disease.

(2) Every private hospital complying with the provisions of sub-section (1) shall be compensated by the appropriate Government in such manner as may be prescribed.

8. (1) The appropriate Government shall appoint such number of health workers, as it may deem necessary for carrying out the purposes of this Act.

Appointment of health workers.

(2) The terms and conditions of service, wage structure and recruitment of health workers shall be such, as may be prescribed.

(3) The health workers shall vigorously participate in AIDS awareness campaign and discharge such other functions as may be prescribed.

9. (1) The appropriate Government shall launch AIDS awareness campaigns through the electronic and print media suggesting the ways of preventing the disease.

AIDS awareness campaigns.

(2) The appropriate Government may take the assistance of Non Government Organisations in the AIDS awareness campaign in such manner as may be prescribed.

(3) It shall be the duty of every health worker appointed under section 8 to participate in the AIDS awareness campaign particularly in the rural, slum and red light areas to enlighten the residents of such areas about the causes of AIDS and steps to prevent the spread of the disease.

10. The Central Government in consultation with the State Governments shall formulate a rehabilitation policy for the call girls and prostitutes suffering from AIDS and provide for such rehabilitation measures as may be prescribed.

Rehabilitation measures for the AIDS afflicted call girls and prostitutes.

11. Notwithstanding anything contained in any other law for the time-being in force, the appropriate Government shall, in order to prevent the spread of AIDS within its territorial jurisdiction,—

Other measures for the prevention of the spread of AIDS.

(a) ensure that no blood bank operates without a licence and unless it is well equipped and well manned for conducting HIV tests;

(b) ensure that no person shall use non-disposable syringes for injecting any medicine in human body or for taking out blood for conducting any pathological test;

(c) ensure that the disposable syringes are compulsorily destroyed after single use;

(d) prescribe such other measures as the appropriate Government may deem necessary to prevent the spread of AIDS.

12. Whoever contravenes any of the provisions of this Act shall be punishable with imprisonment which may extend to three years or with fine which may extend to one lakh rupees or with both.

Penalty.

13. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time-being in force, regulating any of the matters dealt with in this Act.

Act to be Supplemental.

14. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

The dreaded AIDS is spreading like wildfire in our country particularly amongst the women and more so amongst the women indulging in flesh trade and extra marital relationships. Even the simple housewives are becoming victims of the AIDS because of the unsafe sexual behaviour of their husbands who visit the brothels and such other places. Recently a survey has revealed that most of the truck and bus drivers on the long routes were having AIDS because of their indulgence in unsafe sex. These unfaithful men pass on the dreaded HIV to their wives and children.

Once it is found that a woman is HIV positive, be it a housewife, call girl or prostitute, she becomes untouchable not only in her own house but in the society as well. Such a hapless woman is looked down upon and nobody has sympathy with her. Even the doctors and hospitals refuse to treat her and she is left to die alone. Similarly, the girls and women who are pushed into flesh trade become untouchables as and when the fact that they are afflicted with AIDS becomes known. They are left with no option but to continue in the trade and remain a potential danger for the spread of the disease. Recently the newspapers had reported the plight of three hundred prostitutes in Mumbai belonging to a neighbouring country who were afflicted with AIDS. The authorities wanted to deport them to the country of their origin but the authorities of that country refused to take them back. Thus these prostitutes were stranded in Mumbai without proper medical care and rehabilitation. It is a matter of concern that first these hapless women were exploited by the lust of the society but were dumped on being found to be AIDS victims. The society, the State and the Governments can not abdicate their responsibility to provide a helping hand to the women found to be AIDS victims. Though there is no cure as yet for the dreaded disease but the victims must be given all possible medical care and sympathy. For this separate wards should be provided in the hospitals with necessary medicines and equipments to treat women AIDS patients. Similarly policy for such hapless women be prepared and implemented for their rehabilitation.

Since the silent invasion of the dreadful AIDS has already begun in our country, we have to initiate immediate measures to prevent the spread of fatal disease which destroys the vital immunity system in the human body. For this AIDS awareness programmes have to be launched vigorously through the electronic and print media. For this help of the NGOs should also be taken and health workers be recruited to spread the awareness in the villages and remote areas of the country. The Government has to ensure that blood banks are licensed and equipped with latest HIV testing facilities. Use of disposable syringes should be made compulsory. If we will not take preventive measures to tackle the problem of AIDS particularly amongst women this dreadful syndrome will destroy us completely.

Hence this Bill.

SAROJ KHAPARDE.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for the survey of AIDS afflicted women with the help of the NGOs. Clause 6 of the Bill provides for separate wards to be earmarked for the treatment of women AIDS patients. It also provides for other facilities like medicines, medical equipments, machines etc. to be provided by the appropriate Government. Clause 7 of the Bill provides for compensation to the private hospitals admitting the women AIDS patients for their treatment. Clause 8 of the Bill provides for the appointment of health workers. Clause 9 provides for the AIDS awareness campaign through electronic and print media and Clause 10 provides for the rehabilitation measures to be undertaken by the Government. The Bill, if enacted and brought into force will involve expenditure from the Consolidated Funds of India. It is estimated that it will involve a sum of rupees three hundred crores per annum as recurring expenditure.

A sum of rupees two hundred crores is also likely to be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is, therefore, of normal character.

IV

BILL No. XXI OF 1996

A Bill to ban the promotion, conduct and sale of lotteries and tickets thereof to save the poor families from being ruined and eradicate this social evil of legalised gambling and for matters connected therewith.

BE it enacted by Parliament in the Forty-Seventh Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Lotteries (Banning) Act, 1996.

(2) It extends to the Union Territories and the areas earmarked as National Capital Region by the National Capital Region Planning Board, Act, 1985.

2 of 1995.

Definitions.

2. In this Act unless the context otherwise requires, "lottery" means making arrangement for distributing prizes through draw of lots by shuffling numbers corresponding to those on tickets by chance among the purchasers of such numbered tickets.

Banning of
lotteries.

3. No person including a body corporate or Government Department or its undertaking shall promote, conduct and put for sale any lottery or lottery tickets in any manner whatsoever or receive or remit any money in pursuance of such lottery.

4. Any person who contravenes the provisions of section 3 shall be punishable with imprisonment for a term which may extend to three years or with fine which may extend to ten thousand rupees or with both.

Penalty
for contra-
vening the
provisions
of section 3.

5. Any person who with a view to the promotion or conduct of any lottery in contravention of the provisions of this Act,—

Penalty
for other
offences in
connection
with lotteries.

(a) prints or publishes any ticket for use in a lottery; or

(b) sells or distributes or offers or advertises for sale or distribution or has in his possession for the purpose of sale or distribution any ticket for use in the lottery; or

(c) uses any premises or causes or knowingly permits any premises to be used for purposes connected with a lottery; or

(d) causes or procures or attempts to procure any person to do any of the above mentioned acts, shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to twenty five thousand rupees or with both.

6. Notwithstanding anything contained in any other law for the time being in force, where an offence under this Act has been committed by a company or a Government Department or undertaking, every person who, at the time of the offence was committed, was incharge of and was responsible to the company or the Government Department or undertaking, as the case may be, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Offences by
companies or
Government
departments.

7. No court inferior to that of a Chief Metropolitan Magistrate or as the case may be, Chief Judicial Magistrate, shall try any offence punishable under this Act.

Power to try
offences.

8. All offences punishable under this Act shall be cognizable and non-bailable.

Offences
under this Act
to be
cognizable
and non-
bailable.

9. The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

Power to make
rules.

STATEMENT OF OBJECTS AND REASONS

People, particularly from the middle and poor classes have a desire to become millionaire overnight and for this they try various means to achieve it. Such people try their luck in gambling, *Satta, Matka*, horse race, prize chits, lotteries and even many of them go to the extent of smuggling and blackmarketing in various articles and foreign exchange. To exploit and tap the money from such greedy people various private organisations and Governments and their undertakings have floated various types of lotteries throughout the country and are doing roaring business. The promoters of lotteries are inventing dubious ways to attract more and more people for investing money in lotteries. Many have started daily, weekly, bi-weekly, monthly lotteries of one number, two number and the whole number lotteries thereby offering crores of rupees as prize money. Attracted by the offers followed by advertisements through the media in a big way people invest their hard earned money in lotteries and most of them lose this money. But soon lottery ticket purchasing becomes a habit and gradually such people lose everything even the ornaments of their near and dear ones and their movable and immovable properties. But they hardly give up their habit. Many families in the country have been ruined by such habit. These days some unscrupulous people have started *satta* business in lottery tickets and are duping people who want to earn money through it. In the capital it has become a big business. The Government of the National Capital Territory of Delhi had banned the sale of lottery tickets and Delhi Police had imposed section 144 of the Code of Criminal Procedure, 1973 for this purpose, but this was declared unconstitutional by the Delhi High Court which ruled that sale of lottery cannot be banned under section 144 of the Act and for it a central legislation is necessary. This decision of Delhi High Court may affect other States like Madhya Pradesh which have banned lotteries.

This gambling though legalised by various Governments to earn revenue has to be stopped in the larger interest of the society. The families have to be saved from being ruined and those families which have been ruined have to be rehabilitated. Of course the Governments are getting revenue and many people have been employed in this business but at what cost? It is at the cost of duping the poor people and by ruining their families, by snatching bread and milk from their children. To save the millions of people in the country from the clutches of lottery system, we have to forget the revenue and employment angles and have to be bold enough to impose a ban on all kinds of lotteries forthwith. After all it should be our concern to save the society and cleanse it as a whole even if we lose some revenue in the process.

Hence this Bill.

SURESH PACHOURI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 gives power to the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only. The delegation of Legislative Power is of normal character.

V

BILL No. XXII OF 1996

A Bill to provide for the abolition of keeping the children as slaves under bonded labour and deterrent punishment for violation thereof and also to provide for welfare measures and rehabilitation of rescued children from slavery through protection homes, education, vocational training and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

Short title and
extent.

1. (1) This Act may be called the Child Slavery (Abolition and Rehabilitation) Act, 1996.

(2) It extends to the whole of India.

Definitions.

2. In this Act, unless the context otherwise requires—

(a) “appropriate Government” means in the case of State, the Government of that State and in all other cases the Central Government;

(b) "child" means any boy or girl below the age of twelve years;

(c) "child slave" means a child who is or has been made the property of some one else whether known as his employer, master or by whatever nomenclature and is forced to work for him without any remuneration whatsoever;

(d) "competent authority" means any authority which has been authorised by the appropriate Government by notification in the Official Gazette, to perform all or any of the functions of competent authority under this Act and for such area or areas as may be specified therein;

(e) "Employer or Master" means,—

(i) in relation to an establishment the person who has the ultimate control over the affairs of the establishment;

(ii) in relation to a dwelling house the head or Karta of such family;

(iii) in relation to a shop, stall, *dhaba*, *rehri* and alike the owner thereof;

(iv) in relation to agricultural operation the person for whom the agricultural operation is done or undertaken;

(f) "establishment" includes, a dwelling house, a factory, a mine, a plantation, an agricultural field, a shop, stall, kiosk, *dhaba*, *rehri*; tea stall, hotel, restaurant, circus, exhibition or any place or premises in which work is done by a child slave;

(g) "prescribed" means prescribed by rules made under this Act;

(h) "shelter" means rehabilitation centres established under section 6;

3. (1) On the commencement of this Act, the child slavery, shall stand abolished and every child slave or labourer shall, on such commencement stand freed and discharged from any obligation to render forced or bonded labour for any employer or establishment.

Abolition of child slavery.

(2) After the commencement of this Act,—

(a) no person shall for himself or for any establishment either employ a child or compel a child to render any bonded labour or other form of forced labour;

(b) no parent or guardian of a child shall pledge his child anybody for forced labour or as child slave.

4. On the commencement of this Act, any custom or tradition or any contract, agreement or other instrument by virtue of which any child is required to do any work or render any service as a slave shall be void and inoperative.

Agreement, custom etc. to be void.

5. (1) Notwithstanding anything contained in any other law for the time being in force, the local police chief shall conduct a survey, from time to time, in the areas falling under his jurisdiction, of the child slaves and labourers therein and get them freed from bonded labour and lodge them in shelters for their rehabilitation by the appropriate Government.

Local Police to free the child slaves and labourers and lodge them in shelters for rehabilitation.

(2) The rehabilitation measures to be undertaken by the appropriate Government for a freed child slave shall include:—

(a) free food, clothing, boarding and lodging in the shelter;

(b) free education as per his calibre for such level and period as may be prescribed;

(c) free medical care;

(d) free vocational education and training;

(e) reservation of jobs in public and private sectors.

6. The appropriate Government shall establish and run such number of shelters, as may be necessary for the rehabilitation of freed child slaves through the competent authority.

Establishment of shelters.

Punishment for enforcement of child slavery.

7. Whoever after the commencement of this Act, compels any child to render labour or keeps him as a slave, shall be punishable with imprisonment for a term which may extend to five years and also with fine which may be extended to twenty-five thousand rupees.

Punishment for pledging a child for slavery.

8. Any parent or guardian of a child who pledges such a child for slavery for any consideration or any custom shall be punishable with imprisonment for a term which may extend to three years and also with fine which may extend to five thousand rupees.

Summary trial of offences.

9. An offence under this Act may be tried summarily by a magistrate.

Cognizance of offence.

10. Every offence under this Act shall be cognizable and non bailable.

Offences by companies.

11. Where an offence under this Act has been committed by a company, every person who, at the time of offence was committed, was incharge of, and was responsible to the company for the conduct of the business of the company, as well as the Company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly.

Explanation: For the purpose of this section,—

(a) “company” means any body corporate including a firm or other association of individuals; and

(b) “director” in relation to a firm, means a partner in the firm.

Jurisdiction of civil courts barred.

12. No civil court shall have jurisdiction in respect of any matter to which any provision of this Act applies and no injunction shall be granted by any civil court in respect of anything which is done or intended to be done by or under this Act.

Act to have overriding effect.

13. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any enactment other than this Act, or any instrument having effect by virtue of any enactment other than this Act.

Power to make rules.

14. The Central Government may by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

There are crores of children working as slaves and living in bondage in our country. They are working in pathetic conditions in carpet factories, brick kilns, mines particularly of limestone and stone, Beedi factories, hangle industry, crackers factories, hotels, tea stalls, restaurants *dhabas*, workshops of motor vehicles, cycles and other repair jobs, agricultural fields and as domestic servants. They are forced to work from the very tender age either for their own survival or to support their poor families or alcoholic parents. In some cases the helpless children are pledged by their parents to someone else for some consideration forcing the children to slavery. As a result these children remain illiterate and do not know what childhood, is and how it is enjoyed. They are exploited to the extent possible. They work, in many cases twenty hours a day and in return are paid meagre wages. In some cases they are given only two time meals and a pair of clothes. If such helpless children fall ill or meet with an accident they are left to their destiny and suffer from the miseries and trauma.

It is said that children are the future of a country, but what about the child slaves. Child slavery is such a shameful and depressing phenomenon that nobody views it analytically. The laws prohibiting child labour are flouted and disregarded openly as if there is no law. Even the Constitutional provisions in this regard are flouted without any fear. So the law has to be stringent. It must have deterrent effect on the law breakers. It is our duty to ensure that the children of this great country must enjoy their childhood. They should get nutritious diet, good education, good and affectionate atmosphere to grow as responsible citizens of the country and we have to abolish the child slavery effectively.

Hence this Bill

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 6 of the Bill provides for the establishment of shelters for the rehabilitation of freed child slaves. The Bill, if enacted, and brought into force will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees two hundred crores will be involved as recurring expenditure per annum.

A sum of rupees one hundred crore will also be involved as non-recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 14 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill which will relate to matters of details only.

The delegation of legislative power is of normal character.

VI

BILL No. XXIII OF 1996

A Bill to provide for the formulation of National Scheme by the Central Government to make available drinking water in every urban area and village throughout the country with special attention towards desert and drought prone areas and for matters connected therewith.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the National Drinking Water Scheme Act, 1996.

Short
title.

2. In the Act unless the context otherwise requires,—

Definitions.

(a) “appropriate Government” means in the case of a State the Government of that State and in other cases the Central Government;

(b) “prescribed” means prescribed by rules made under this Act;

(c) “Scheme” means the National Drinking Water Scheme formulated under section 3.

Formulation of
National Drink-
ing Water
Scheme.

3. (1) The Central Government shall frame a Scheme to be known as the "National Drinking Water Scheme" in order to make available adequate drinking water to citizens throughout the country within a time frame.

(2) The Scheme shall, among other things provide for,—

(a) special priority plans for such villages where there is not a single source of drinking water;

(b) safe drinking water facilities in such areas where the available water is saline or contains excess iron elements, fluoride or other toxic or noxious substances or is otherwise not fit for human consumption;

(c) installation of adequate number of handpumps and digging of covered wells in such areas where people use pond water for their drinking, cooking and washing purposes;

(d) special plans for making available drinking water throughout the year in areas which are drought prone particularly in the States of Bihar, Madhya Pradesh, Orissa and Andhra Pradesh;

(e) utilising river waters for drinking purposes; and

(f) such other plans as may be formulated from time to time.

Appropriate
Government to
administer the
Scheme.

4. (1) The Scheme shall be administered by the appropriate Government.

(2) The Central Government shall provide necessary funds for the administration of the Scheme by due appropriation made by Parliament by law in this behalf from time to time.

Power to make
rules.

5. The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

Water is a necessity for all the living things in this universe. Without it life is no more. We require potable water for our consumption but unfortunately potable water is scarce in most parts of our country despite the fact that nature has gifted us water in abundance in the form of rivers, ponds, seas and underground water reserves. Even the National Capital Territory of Delhi consistently faces acute shortage of drinking water what to talk of far flung rural areas of the country which are generally neglected at the national level while formulating the national priorities. There are thousands of villages in the country where there is not a single source of drinking water. Women in such areas have to travel miles away wasting many hours to bring one or two pitchers of drinking water to quench their thirst. Sometimes even this small quantity of water is not easily available.

Then there are some areas where the available water is saline in taste, or contains excess iron elements or fluoride or toxic or noxious substances. In Madhya Pradesh there is a river which is known as "*Khooni Nadi*" in the tribal areas because the water is red in colour because of excessive iron elements in the water. But people are forced to consume that water as there is no other source of water in the area. Similarly crores of people in almost all the States particularly in Madhya Pradesh, Bihar, Orissa, and other parts of the country are forced to consume stagnated pond water infested with dangerous virus and worms which results in various ailments to the people and many of them die prematurely. On the other hand the river water is going waste in the sea. This is due to the wrong policies adopted by the authorities that the drinking water problem continues to persist.

Drinking water is a State subject under the Seventh Schedule to the Constitution but due to the scarcity of funds most of the States have not succeeded in providing potable water to their citizens. It is, therefore, necessary that Central Government must come forward in providing adequate potable water to the citizens which is a necessity for every one. It is, therefore, proposed in this Bill that the Central Government should frame a National Drinking Water Scheme to provide drinking water in every nook and corner of the country and also administer the Scheme. The Union Government has to start the Scheme in a big way to provide drinking water throughout the country with special attention towards area where there is not a single source of water or drought prone areas of the country or such areas where safe drinking water is not available.

Hence this Bill.

SURESH PACHOURI.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall frame a National Drinking Water Scheme to provide potable water throughout the country. The Bill, if enacted and brought into operation will involve expenditure from the Consolidated Fund of India. It is estimated that a sum of rupees One Thousand Crores per annum will be involved as recurring expenditure.

A sum of rupees Ten Crores is also likely to be involved as non recurring expenditure.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of details only.

The delegation of legislative power is of normal character.

VII

BILL NO. XXV OF 1996

A Bill to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Forty-seventh Year of the Republic of India as follows:—

1. This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 1996.

Short title.

33 of 1989.

2. After section 3 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (hereinafter referred to as the Principal Act), the following section shall be inserted, namely:—

Insertion of new section 3A.

“3A. Any vexatious complaint, imputation allegation filed by the member of a Scheduled Castes or a Scheduled Tribes if proved, the complainant shall be punishable with imprisonment for a term which may extend to one year and with fine which may extend to five thousands rupees in the same proceedings in which the vexatious complaint is tried.”

Penalty for vexatious complaints, imputations, allegations etc.

3. Sections 18 and 19 of the principal Act, shall be omitted.

Omission of sections 18 and 19.

STATEMENT OF OBJECTS AND REASONS

Anti-social elements either within Scheduled Castes and Scheduled Tribes or non harijans are making wrongful gains by unlawful means of blackmailing, threatening and vengeance. Very often they make use of innocent Scheduled Castes and Scheduled Tribes, either as trumpcard or as leverage. There must be a penal provision for vexatious complaints. By inserting a new section in the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the vexatious complaints which are swelling in courts, consuming their time and energy may be reduced and only genuine complaints alone will come up for prosecution.

Further section 18 of the Act has been misused by keeping Scheduled Castes and Scheduled Tribes as a trumpcard against non harijans. It is very often used for blackmailing, threatening for wrongful gains and to wreck vengeance. The law of the land does not presume guilt till a person is proved guilty in the court of law. But the provisions of section 18 of the Act presumes guilt without giving an opportunity to the accused to prove his innocence and therefore calls for its deletion.

Section 19 of the Act is a deterrent provision. Even for serious crimes, the provisions of section 360 of the Code of Criminal Procedure, 1973 and the Probation of Offenders Act, 1958 are made available to any person above the age of eighteen years whereas this is not the case under this Act. In the light of the circumstances, the provisions of this section is liable for misuse for various considerations. Therefore, the deterreny has to be removed.

Hence this Bill.

R. MARGABANDU.

V. S. RAMA DEVI,
Secretary-General.